

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
EASTERN DIVISION

UNITED STATES OF AMERICA

v.

CRIMINAL NO. 2:20-cr-16-KS-MTP

THOMAS “TOMMY” WILBURN SHOEMAKER

FINAL ORDER OF FORFEITURE

Before this Court is the United States of America’s Motion for a Final Order of Forfeiture [128]. Having reviewed the Government’s motion, this Court finds that it is well taken and should be GRANTED. In support of its ORDER, the Court finds as follows:

The Court entered Agreed Preliminary Order of Forfeiture [105], Thomas “Tommy” Wilburn Shoemaker (hereafter “Shoemaker”), forfeiting the following property to the United States pursuant to 18 U.S.C. § 982 (a)(7):

Crim. Forf. ID	Identifier from parallel Civil Case U.S. v. Real Prop. Located at 19 Crane Park, 2:18-cv-00165-KS-MTP	Asset Description
B2	B-007	Approximately \$45,398.84 currently being held in the USDOJ Seized Asset Deposits Fund, which represents the net proceeds of the government’s sale of a 2008 Porsche 911, VIN WPOCD299X8S788297, Tag MS P034J, with all attachments thereon, formerly registered to Thomas Shoemaker
B3	B-008	Approximately \$9,442.78 currently being held in the USDOJ Seized Asset Deposits Fund, which represents the net proceeds of the government’s sale of a 2014 Mercedes Benz C Class, VIN WDDGJ7HB5EG187198, Tag MS HYR410, with all attachments thereon, registered to Farm007, LLC or Thomas Shoemaker

The Court also imposed a forfeiture money judgment in the amount of \$672,538.19, representing the amount obtained by the Defendant, directly or indirectly, from the offenses of conviction.

On or about October 29, 2018, in a parallel civil forfeiture case, 2:18-CV-165, the Defendant and the United States agreed to sell Asset B2, which is a 2008 Porsche 911, VIN WPOCD299X8S788297, Tag MS P034J, with all attachments thereon, formerly registered to Thomas Shoemaker through an interlocutory sale. 2:18-CV-165, ECF No. 281. In the interlocutory sale, the Defendant and the Government agreed that the Defendant and Bank of America were the only interested parties to Asset B2, with the Defendant as the owner of Asset B2, and Bank of America holding a valid lien of at least \$23,178.12. Through the interlocutory sale, the United States agreed to pay \$23,178.12 from the proceeds of the sale of Asset B2, which satisfied the entirety of Bank of America's lien on Asset B2. On or about April 8, 2019, the United States paid the lien in full to Bank of America. Bank of America has acknowledged the lien has been paid in full, has withdrawn any claim to Asset B2, and has authorized the United States to so represent to the Court.

The United States of America published notice via the internet at www.forfeiture.gov including notice of this forfeiture and of the intent of the United States of America to dispose of Asset B2, which is approximately \$45,398.84 currently being held in the USDOJ Seized Asset Deposits Fund, which represents the net proceeds of the government's sale of a 2008 Porsche 911, VIN WPOCD299X8S788297, Tag MS P034J, with all attachments thereon, formerly registered to Thomas Shoemaker (**Asset B2**) in accordance with the law and as specified in the Agreed Preliminary Order. *See* Ex. A, Proof of Pub. The United States asserts that there were no known potential claimants to whom direct notice needed to be sent.

The United States received no petitions. As no person or entity filed a claim to any of

the assets and the deadline for doing so has expired, any third-party interested is barred by failure of those parties to file a timely petition.

However, the United States has moved to dismiss what the United States concedes it has erroneously designated “Asset B3” and has erroneously described as: “Approximately \$9,442.78 currently being held in the USDOJ Seized Asset Deposits Fund, which represents the net proceeds of the Government’s sale of a 2014 Mercedes Benz C Class, VIN WDDGJ7HB5EG187198, Tag MS HYR410, with all attachments thereon, registered to Farm007, LLC or Thomas Shoemaker.” The United States has advised the Court that the approximately \$9,442.78 currently being held in the USDOJ Seized Asset Deposits Fund, which was preliminarily forfeited, actually relates to what the United States has designated as Asset B1 and actually represents the net proceeds of the United States’ sale of a 2014 Mercedes Benz E350, VIN WDDHF5KB8EA888307, Tag MS HRY613, with all attachments thereon, registered to RX Pro of Mississippi, Inc. The United States further represents that it intends to seek to forfeit those funds in the criminal case of a co-defendant.

NOW, THEREFORE, IT IS HEREBY ORDERED, ADJUDGED AND DECREED that:

1. The Defendant Thomas “Tommy” Wilburn Shoemaker had an interest in **Asset B2**, that is subject to forfeiture pursuant to 18 U.S.C. § 982(a)(7).
2. Final forfeiture judgment against **Asset B2**, including a money judgment of \$672,538.19, is hereby entered pursuant to 18 U.S.C. § 982(a)(7).
3. Asset B3, which is approximately \$9,442.78 currently being held in the USDOJ Seized Asset Deposits Fund, and which has been erroneously described as the “net proceeds of the Government’s sale of a 2014 Mercedes Benz C Class, VIN WDDGJ7HB5EG187198, Tag MS HYR410, with all attachments thereon, registered to

Farm007, LLC or Thomas Shoemaker” is hereby dismissed on the United States’ motion and without prejudice to the United States’ ability to seek forfeiture of that asset in a different case.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that all right, title, and interest to **Asset B2** is hereby condemned, forfeited, and vested in the United States of America, and shall be disposed of according to law; and

IT IS FURTHER ORDERED that the United States District Court shall retain jurisdiction in the case for the purpose of enforcing this Order.

IT IS FURTHER ORDERED that the United States District Court shall amend this Order, as needed.

SO ORDERED, ADJUDGED, AND DECREED this 10th day of March 2022.

s/Keith Starrett
KEITH STARRETT
UNITED STATES DISTRICT JUDGE